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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/820,203 | 04/07/2004 | Yutaka Konomura | P/2850-94 | 7409 |
| 2352 7590 02/20/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | | |
| EXAMINER LEUBECKER, JOHN P | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3739 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 02/20/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,203

Applicant(s)

KONOMURA ET AL.

Examiner

John P. Leubecker

Art Unit

3739

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4-12 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4-7, 23-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 27, 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakiyama et al. (U.S. Pat. 6,063,023).

As to claim 23, Sakiyama et al. disclose an endoscope device comprising a control unit (2), an endoscope insertion section (2) having a tip (4) and a light receiving section (27,28) at the tip; an optical adaptor (4) which is detachably installed at the tip of the endoscope insertion section (Fig.4), the optical adaptor having an a stereo optical system (21,22, Fig.4) which forms an image in the light receiving section and an information device (FD 33) containing an optical characteristic information (col.6, lines 7-14), the optical characteristic information comprising focal lengths of the stereo optical system, a distance between optical axes of the stereo optical

system and at least one distortion correction parameter for correcting distortion of an image of an object captured by the stereo optical system (col.6, lines 15-22); and a reading section (FDD 42) which reads the optical characteristic information from the optical adaptor (col.7, lines 30-33), wherein the control unit receives the optical characteristic information from the optical adaptor, corrects a distorted image using the at least one distortion correction parameter, and determines a geometric characteristic of the object using the focal lengths and the distance between the optical axes based on the corrected image (col.6, lines 23-53).

As to claim 24, the information device includes an information (optical data items specific to each optical adapter, col.6, lines 8-9) for identifying the optical adapter.

As to claim 25, the control unit receives the information for identifying the optical adapter and uses the information for a calibration process (although any computer is capable of performing this function, note col.6, lines 28-38).

As to claim 26, the control unit is operable to calibrate the stereo optical system and the light receiving section as part of the calibration process, to generate a measurement environment data containing an information after the calibration process and to store the measurement environment data in a memory of the control unit (col.7, lines 30-21, optical data retrieved by the control unit is inherently stored in a memory for eventual use in the measurement correction process).

As to claim 27, the control unit uses the measurement environment data stored in the memory for a measuring process once the calibration process is completed (col.7, lines 30-41).

As to claim 29, the optical characteristic information is stored in a memory of the control unit and applied to a measurement process without being read again by the reading section (col.7, lines 30-41).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakiyama et al. (U.S. Pat. 6,063,023) in view of Heinrichs et al. (U.S. Pat. 6,092,722).

Sakiyama et al. disclose the device as described above which includes a floppy disk (33) associated with the optical adapter for storing the optical characteristic/identifying information. Thus, Sakiyama et al. fails to disclose an IC chip for storing the information (claim 2) and wirelessly reading such information (claim 4).

Heinrichs et al. teaches placing information IC chips (33, Fig. 1, col.5, lines 57-63) in components (30b,30a, 18) of an endoscope system that are connected together so as to not only identify (e.g.,with serial numbers), but to transmit characteristic information (wirelessly, col.5, lines 37-47) so that a control unit can automatically adapt to the characteristics of different components (e.g., col.5, lines 23-36). This is done with a reader (20, Fig.1) in a proximate component and connected to a control unit (15, col.5, lines 2-4). It would have been obvious to one of ordinary skill in the art to have provided an IC chip in the optical adaptor of Sakiyama, instead of using a floppy disk, to be read wirelessly by the control unit to eliminate the need for a

separate information storage device, thus preventing loss or inadvertent separation of the information device (i.e., floppy disk) from the corresponding optical adapter.

As to claim 5, the reading section would include a antenna (e.g., coils, col.5, lines 37-47).

As to claims 6 and 7, the coils described in col.5, lines 37-47 constitute "joining terminals" and the "connection" as claimed is met with the electromagnetic energy transmitted between them. Note that claims 6 and 7 do not explicitly require the terminals to "touch".

Response to Arguments

6. Applicant's arguments filed January 27, 2009 have been fully considered. Amendments to the claims have overcome the previous rejections over Tohjoh et al. in view of Heinrichs et al., mainly due to recitation of a stereo optical system and specific optical characteristic information. It is noted that since the specific optical characteristic information exhibits functional interrelationship with the way the control unit performs a measurement process (i.e., determines a geometric characteristic of the object), it is considered functionally descriptive material.

However, after further review of the prior art, it was determined that the claims are rejectable over other prior art of record. Such rejections are set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Leubecker/
Primary Examiner
Art Unit 3739

jpl